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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/743443
Filing Date: December 19, 2003
Appellant(s): de la Barrera

Moctezuma de la Barrera
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09 May 2011 appealing from the Office action mailed 26 October 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 16, 18, 20-27,29-30, 35 & 37-50 are rejected and are currently appealed.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 2003/0093103	Malackowski et al.	05-2003
US 5,954,648	Ven Der Brug	09-1999
US6,205,411	DiGioia, III et al.	03-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The 35 U.S.C. 101 rejection for claims 1-15 and 35-36 have been withdrawn in light of applicant's amendment.
3. Claims 35, 37-50 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process should (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). The process steps in claim (1) are not tied to a machine nor do they effect any transformation of matter. Thus, they are considered non-statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 16 recites the limitation "*the consequent step*". There is insufficient antecedent basis for this limitation in the claim.

6. Claims 16 & 37 (and all claims dependent on these claims) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Office what “*identifying the consequent step*” mean, and further what step is being identified or what step is the consequent step. Thus the Office will interpret this limitation as any step in the prior art that assesses steps in multi-step medical procedures.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 16,18, 20-27, 29,30,35 37-50are rejected under 35 U.S.C. 103(a) as being unpatentable over Malackowski et al. (US 2003/0093103 A1) (hereinafter Malackowski) in view Van Der Brug (US 5954648) (hereinafter

Van Der Brug) of in further view of DiGioia et al. (US 6205411 B1)
(hereinafter DiGioia).

Claim 16

Malackowski as shown, discloses the following limitations:

- *means for identifying a component usable in the multi-step surgical procedure; (see at least Malackowski [0045])*
- *means for analyzing steps of the surgical procedure including a step other than the current step or an immediately subsequent step in the first sequence; (see at least Malackowski Claim:19 Fig:21 Items:350 & related text)*
- *means for identifying the consequent step as the first step analyzed for which the component is acceptable; (see at least Malackowski [0154-0158])*

Malackowski does not disclose the following limitations, however Van Der Brug, as shown, does:

- *means for automatically jumping to and displaying representation related to the consequent step without direct interaction between a user and the computer navigation system; (see at least Van Der Brug Fig. Items 4,5,8 & related text)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

While Malackowski/Van Der Brug does not specifically disclose "*automatically jumping to and . . . without direct interaction between a user and a computer system*", Examiner points out that as discussed in MPEP § 2144, if the facts in a prior legal decision are sufficiently similar to those in an application under examination, the examiner may use the rationale used by the court. Examples directed to various common practices which the court has held normally require only ordinary skill in the art and hence are considered routine expedients are discussed below. If the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness rejection.

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.

"The routine addition of modern electronics to an otherwise unpatentable invention typically creates a prima facie case of obviousness. Moreover, there is no pertinent evidence of secondary considerations because the only evidence offered is of long-felt need for the unpatentable mental process itself, not long-felt need for the combination of the mental process and a modern communication device or computer." *In re Comiskey*, 499 F. 3d 1365, 84 U.S.P.Q. 2d 1670 (Fed. Cir. 2007)

Malackowski/Van Der Brug do not disclose the following limitation, however DiGioia, as shown, does:

- *means for identifying a current step within the multi-step procedure; (see at least DiGioia [0131])*

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of DiGioia into Malackowski/Van Der Brug with the motivation to provide an improved method and system for assessing, identifying, and planning the appropriate steps for a medical procedure. (see at least DiGioia Column:5 Lines: 57-67 Column:6 Lines:1-8)

Claim 18

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Van Der Brug further discloses the following limitation:

- *means for identifying a particular location of the component, and means for identifying the consequent step based on the location; (see at least Van De Berg Column:3&4 Lines:57-60 & 2-6)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 20

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Van Der Brug further discloses the following limitation:

- *the component is a multipart component capable of self identifying the component's composite parts* (see at least Van De Berg Fig. Items:1,3,10 & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 21

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 20. Van Der Brug further discloses the following limitation:

- *the multipart component is a tool with an attached device wherein the tool can identify the attached device* (see at least Van De Berg Fig. Items:1,3,10 & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 22

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 20. Van Der Brug further discloses the following limitation:

- *the multipart component is a tool with an attached device wherein the attached device is separately identifiable* (see at least Van De Berg Figure Items:1,3,10)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 23

The combination Van Der Brug/Malackowski/DiGioia discloses all the limitations of Claim 18. Van Der Brug further discloses the following limitation:

- *means for identifying a particular location of the component* (see at least Van Der Brug Column:3 Lines:57-65 Column:4 Lines:1-4)
- *component is incorporated within the computer navigation system.* (see at least Van De Berg Column:1 Lines:52-58 and Figure & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 24

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Malackowski further discloses the following limitation:

- *means for configuring the consequent step with a parameter of the component.* (see at least Malackowski [0077])

Claim 25

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16 Malackowski further disclose the following limitation:

- *the consequent step comprises a warning that the component is inappropriate for any step that is analyzed;* (see at least Malackowski [0078])

Claim 26

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Van Der Brug further discloses the following limitation:

- *the consequent step includes controlling a piece of auxiliary apparatus.* (see at least Van De Berg Column:4 Lines:44-46)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 27

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Malackowski further discloses the following limitations:

- *means for identifying an additional component and* (see at least Malackowski [0165])
- *means for determining the consequent step based on the identity of the additional component,* (see at least Malackowski [0087])

Claim 29

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Van Der Brug further discloses the following limitation:

- *the multi-step surgical procedure is a computer controlled and directed surgical procedure;* (see at least Van De Berg Column:1 Lines:26-30)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 30

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 16. Malackowski further discloses the following limitations:

- *a database of user preferences and* (see at least Malackowski [0072])
- *means for determining the consequent step based on the database;* (see at least Malackowski [0087])

Claim 35

Malackowski as shown, discloses the following limitations:

- *identifying a component usable in at least one step of the procedure; (see at least Malackowski [0045])*
- *analyzing whether the component is acceptable for use in steps of the surgical procedure including a step other than the current step or an immediately subsequent step in the first sequence; (see at least Malackowski [0154-0158] Claim:19 Fig:21 Items:350 & related text)*
- *within a field of tracking of the computer navigation system; (see at least Malackowski Fig:21 Items:350 & related text)*
- *determining the consequent step based on the location, the identity of the component, and the identity of the current step; (see at least Malackowski [0087])*
- *based on the determination of the consequent step; (see at least Malackowski Claim:15 & 16)*

Malackowski does not disclose the following limitations, however Van Der Brug, as shown, does:

- *identifying a location of the component; (see at least Van Der Brug Column:1 Lines:23-67 Column:2 Lines:1-50 Column: 3, line 57 to column 4, line 6)*
- *displaying a representation related to the consequent step on a display unit; (see at least Van Der Brug Fig. Items 4,5,8 & related text)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Van Der Brug/Malackowski do not disclose the following limitation, however DiGioia, as shown, does:

- *identifying a current step of the multi-step procedure; (see at least DiGioia [0131])*

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of DiGioia into Van Der Brug/Malackowski with the motivation to provide an improved method and system for assessing, identifying, and planning the appropriate steps for a medical procedure. (see at least DiGioia Column:5 Lines: 57-67 Column:6 Lines:1-8)

Claim 37

Malackowski as shown, discloses the following limitations:

- *identifying a component being tracked by the computer navigation system that is to be utilized in at least one step of the surgical procedure; (see at least Malackowski [0045] Fig:21 Items:350 & related text)*
- *analyzing steps of the surgical procedure including a step other than the current step or an immediately subsequent step in the first sequence; (see at least Malackowski Claim:19 Fig:21 Items:350 & related text)*

- *identifying the consequent step as the first step analyzed for which the component is acceptable;* (see at least Malackowski [0154-0158])

Malackowski does not disclose the following limitations, however Van Der Brug, as shown, does:

- *automatically jumping to the consequent step and displaying a representation related to the consequent step on a display unit;* (see at least Van Der Brug Fig. Items 4,5,8 & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Malackowski/Van Der Brug do not disclose the following limitation, however DiGioia, as shown, does:

- *identifying a current step of the surgical procedure;* (see at least DiGioia [0131])

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of DiGioia into Malackowski/Van Der Brug with the motivation to provide an improved method and system for assessing, identifying, and planning the appropriate steps for a medical procedure. (see at least DiGioia Column:5 Lines: 57-67 Column:6 Lines:1-8)

Claim 38

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *the steps of the surgical procedure are analyzed according to a second sequence, wherein the second sequence depends upon the identity of the current step. (see at least Malackowski [0077,0154-0158])*

Claim 39

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 38. Malackowski further discloses the following limitation:

- *the second sequence comprises analyzing the current step, analyzing a prior step after analyzing the current step, and analyzing a future step after analyzing the prior step; (see at least Malackowski Fig:21 Items:350 & related text)*

Claim 40

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 38. Malackowski further discloses the following limitation:

- *the second sequence includes every step of the surgical procedure; (see at least Malackowski Fig:21 Items:350 & related text)*

Claim 41

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *tracking a position of the component within a surgical field; (see at least Malackowski Claim:15)*

Malackowski does not disclose the following limitation, however Van Der Brug, as shown, does:

- *wherein the consequent step is identified based on the position of the component;* (see at least Van De Berg Column:4 Lines:44-46 Claim:11)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 42

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Van Der Brug further discloses the following limitation:

- *the component is a multipart component capable of self-identifying composite parts of the multipart component to the computer navigation system;* (see at least Van De Berg Column: 3, line 57 to column 4, line 6)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 43

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 42. Van Der Brug further discloses the following limitation:

- *the multipart component comprises a tool with an attached device, wherein the tool can identify the attached device;* (see at least Van De Berg Fig: Items:1-10 & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 44

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 42. Van Der Brug further discloses the following limitation:

- *the multipart component is a tool with an attached device, wherein the attached device is separately identifiable;* (see at least Van De Berg Fig: Items:1-10 & related text)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 45

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *configuring the consequent step with a parameter of the component; (see at least Malackowski [0077])*

Claim 46

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *the consequent step comprises a warning that the component is inappropriate for any step that is analyzed; (see at least Malackowski [0078])*

Claim 47

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Van Der Brug further discloses the following limitation:

- *the consequent step includes controlling a piece of auxiliary apparatus. (see at least Van De Berg Column:4 Lines:44-46)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

Claim 48

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *identifying a second component that is to be utilized in at least one step of the surgical procedure, wherein the determination of the consequent step is based on the identity of the component, the identity of the second component, and the identity of the current step; (see at least Malackowski [0154-0158])*

Claim 49

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Malackowski further discloses the following limitation:

- *further comprising identifying the consequent step based on a database of user preferences; (see at least Malackowski [0072,0154-0158] Claim:14)*

Claim 50

The combination of Malackowski/Van Der Brug/DiGioia discloses all the limitations of Claim 37. Van Der Brug further discloses the following limitation:

- *a first representation is related to the current step and a second representation is related to the consequent step; (see at least Van De Berg Fig: Items:4-8 & related text)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations of Van Der Brug to Malackowski/Van Der Brug/DiGioia with the motivation to provide an improved method and system for image guided multi-step medical procedure invention. (see at least Van Der Brug Column:1 Lines:50-67 Column:2 Lines:1-67 Column:3 Lines:1-47)

(10) Response to Argument

10. Applicant's appeals 18 May 2011 have been fully considered but they are not persuasive.
11. In response to applicant's arguments regarding the 35 U.S.C.101 rejection the Examiner has fully considered applicant's arguments and finds them unpersuasive, pointing out that there's no device recited within the body of the claims performing the method steps of the claims.
12. In response to applicant's arguments regarding the 35 U.S.C.112 rejection the Examiner has fully considered applicant's arguments and finds them unpersuasive, because the claim language as written makes it unclear which of the other steps of the procedure qualify as a "*consequent step*".
13. In response to Applicant's III. A. the Examiner has fully considered the arguments and respectfully disagrees, pointing out that the arguments merely restates the Applicant's interpretation of the references & provides no argument of merit.
14. In response to Applicant's III. B. the Examiner has fully considered the arguments and respectfully disagrees, pointing out the arguments merely recite the claim language and do not elaborate on their contentions on how Malackowski does or does not "*analyze*", and the Applicant's arguments do not accurately reflect the claim language.
15. In response to Applicant's III. C. the Examiner has fully considered the arguments and respectfully disagrees, pointing out the attributes in

Malackowski are related to determine what surgical steps to perform based on the determined location.

16. In response to Applicant's III. D. the Examiner has fully considered the arguments and respectfully disagrees, pointing out the attributes in Malackowski are related to determine what surgical steps to perform based on the determined location.

17. In response to Applicant's III. D argument, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

18. Applicant's arguments for claims 18, 20-27, 29-30 & 38-50 are based on their dependency on claims 16, 35 & 37 that have been already addressed and thus these claims are rejected on the same grounds.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rajiv J. Raj/
Art Unit 3686

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686

Conferees:

Vincent Millin /vm/

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SPE, Group Art Unit 3686

Attachments:

IDS statement from 5/18/2011.